

WORK SESSION AGENDA

May 4, 2021

5:00 p.m.

The purpose(s) of the meeting shall be for the Commission to receive, consider, discuss, deliberate and debate the matters listed herein below and such other public business as may lawfully be undertaken provided that no formal votes are to occur and no matters or issues will be formally decided upon at this meeting.

- I. Presentation –Hamilton County Re-appraisals – Marty Haynes
- II. Budget Presentation – Agenda Item No. 21-855
- III. Budget Amendment – Ord. No. 21-1189
- IV. Surplus Property Trade – Res. No. 21-1404
- V. Certificate of Compliance – Local Slice/Pizzeria Cortile Res No. 21-1405
- VI. Any other business to discuss

Hollie Berry
Mayor

City of Red Bank

Tim Thornbury
City Manager

BOARD OF COMMISSIONERS MEETING

Agenda
May 4, 2021
6:00 p.m.

I. Call to Order – Mayor Hollie Berry

II. Roll Call – City Manager

Mayor Hollie Berry _____ Vice Mayor Stefanie Dalton _____, Commissioner Ruth Jeno _____,
Commissioner Ed LeCompte _____ Commissioner Pete Phillips _____

III. Invocation – Sam Greer, Red Bank Baptist Church

IV. Pledge of Allegiance –

V. Consideration of the Minutes for approval or correction:

- A. April 20, 2021 Agenda Work Session
- B. April 20, 2021 Commission Meeting

VI. Communication from the Mayor

VII. Commissioner's Report

- A. Vice Mayor Stefanie Dalton
- B. Commissioner Ruth Jeno
- C. Commissioner Ed LeCompte
- D. Commissioner Pete Phillips

VIII. City Manager Report

IX. Unfinished Business

- A) ORDINANCE NO. 21-1188 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE ESTABLISHING PROCESSES AND PROCEDURES WITH RESPECT TO THE SALE, DEVELOPMENT AND DISPOSITION OF REAL PROPERTY, CODIFIED IN THE RED BANK CITY CODE IN THE APPENDIX, CHAPTER F, THEREOF AND ASSIGNED THE TITLE: SALE, DEVELOPMENT AND DISPOSITION OF REAL PROPERTY (second and final reading)

X. New Business

- A) AGENDA ITEM NO. 21-855 FY 21-22 BUDGET PRESENTATION
- B) ORDINANCE NO. 21-1189 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE FY 2021 OPERATING BUDGET, BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021 IN ORDER TO APPROPRIATE UNBUDGETED EXPENDITURES AND GRANT FUNDING
- C) RESOLUTION NO. 21-1404 A RESOLUTION DECLARING CITY OWNED PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE SALE, TRADE OR DESTRUCTION THEREOF
- D) RESOLUTION NO. 21-1405 A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATE OF COMPLIANCE FOR LOCAL SLICE, LLC dba PIZZERIA CORTILE, 4400 DAYTON BOULEVARD, RED BANK, TENNESSEE

**XI. Citizen Comments from Red Bank Citizens
(3 minute limit)**

XII. Adjournment

"Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission and do not necessarily represent the religious beliefs or views of the Commission in part or as a whole. No member of /the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Commission."

City of Red Bank

Hollie Berry
Mayor

Tim Thornbury
City Manager

COMMISSIONERS AGENDA WORK SESSION

Minutes
April 20, 2021
4:30 p.m.

The Board of Commissioners met in a public and duly advertised Agenda Work Session on April 20, 2021 at 4:30 p.m. The date, time and location of the meeting were advertised in the Chattanooga Times Free Press and on the City of Red Bank website together with instructions and an internet link to enable virtual attendance by the public. The purpose of the meeting was to receive information on upcoming business items. Those in attendance were Mayor Hollie Berry, Vice Mayor Stefanie Dalton, Commissioner Ruth Jenó, Commissioner Ed LeCompte and Commissioner Pete Phillips. Also present were City Manager Tim Thornbury, City Attorney Arnold Stulce, Jr., City Recorder Tracey Perry and those listed on Exhibit A.

City Manager Thornbury advised that City Attorney Stulce is running behind. The meeting was called to order at 4:31 PM. City Attorney Stulce arrived a short time later.

Commissioner Jenó made a proposal to change the order of business to discuss the recent letter of resignation by City Manager Thornbury to allow the board to be more prepared to answer questions posed by employees and the public. Mayor Berry suggested a Special Called meeting on April 26 or 28 and to have MTAS make a presentation covering how they can help with the City Manager issue. Discussion ensued. Vice Mayor Dalton suggested that the topic be discussed in the "Any Other Business Section" of the meeting. City Attorney Stulce advised that the Board, as an entity, has the ability to change the order of business by consent. Commissioner Jenó made a motion to move "Item IX. Any other business to discuss" to the beginning of the meeting, seconded by Commissioner Phillips, all voted yes.

IX. Any other business to discuss: Commissioner Jenó would like to see City Manager Thornbury stay. Need to have MTAS move fast to help retain a new City Manager with experience and a degree. Commissioner Phillips also wants MTAS involved. All Commissioners want to involve MTAS in the process with a job description and advertisements for candidates in place as soon as reasonably possible.

I. Discussion of Beer & Liquor Ordinances (Phillips): Multiple issues were discussed regarding the draft Alcohol Beverage and Beer Ordinance amendments as presently formatted. Commissioner Phillips, Mayor Berry and Vice Mayor Dalton all expressed support for doing away with the separation distance restrictions, but each and all want a general lessening of the other regulations as well. Commissioner Jenó prefers keeping separation distance requirements and addressed that topic in some detail. Commissioner LeCompte would prefer that some distance regulations stay in place with respect to daycare centers. There were spirited exchanges and differing views and rationales expressed. All Commissioners agreed that the entire regulatory plan should be reviewed and will each contact/email the city attorney with lists of priorities, concerns, and concept preferences from which another draft will be prepared for further consideration by the Commission as soon as that can practically occur.

II. Discussion of Budget Workshop Dates/Times: City Manager Thornbury plans to present the budget to the Commission at the regular Commission Meeting on May 4, 2021. The budget will need to be voted on no later than June 30, 2021. He presented 4 possible dates and times for

the budget hearings. All agreed that public workshops and hearing dates will be Tuesday, May 11 at 4:30pm, Wednesday, May 12 at 4:30pm, Wednesday, May 19 at 4:30pm, and Monday, May 24 at 4:30pm (if needed).

Vice Mayor Dalton made a motion to move "Item VIII. Presentation by Emily Akins" to now, and the rest of the items can be discussed at the regular meeting tonight, seconded by Mayor Berry and agreed by all.

VIII. Presentation by Emily Akins on pollinator habitats in Red Bank (Mayor Berry): Emily Akins advised her presentation would be 5-10 minutes. She provided hand-outs to the Board and made her presentation with respect to prospective provision of pollinator habitats at the White Oak Park, including proposals, timetables and cost projections. Commissioner Jeno asked for 2 weeks to consider the project before the Board makes a decision.

Because of time constraints, the meeting was adjourned at 6:00 p.m. with several agenda items unaddressed.

Mayor Hollie Berry

Date

City Recorder Tracey Perry

Date

BOARD OF COMMISSIONERS MEETING

Minutes
April 20, 2021
6:00 p.m.

In the context of the currently existing COVID 19 virus pandemic, and pursuant to the express requirements of multiple Executive Orders issued by Governor Lee, the City Commission of the City of Red Bank, Tennessee met, in regular and duly advertised session, in person on Tuesday April 20, 2021. Notice of the meeting and the link for virtually monitoring same was duly advertised in the Chattanooga Times Free Press and by posting on the City's website and by posting written notice of same on the front door of City Hall and on the City's Facebook page.

- I. **Call to Order** – Mayor Hollie Berry called the meeting to order at 6:00 p.m.
- II. **Roll Call** – City Manager Tim Thornbury called the roll. Mayor Berry, Vice Mayor Stefanie Dalton, Commissioner Ruth Jenó, Commissioner Ed LeCompte, and Commissioner Pete Phillips were present. Also present was City Attorney Arnold Stulce, Jr., City Recorder Tracey Perry, and those listed on Exhibit A.
- III. **Invocation – presented by Pastor Darrell Davenport, Stuart Heights Baptist Church**
Pastor Davenport spoke of being a Red Bank resident since 1983 and how both his church, all three locations, and White Oak Baptist Church endeavor to “Build communities in apartment complexes” here in Red Bank.
- IV. **Pledge of Allegiance – led by City Manager Thornbury**
- V. **Consideration of the Minutes for approval or correction:**
 - A. **April 6, 2021 Agenda Work Session**
Commissioner Jenó made a motion to approve the minutes as printed, seconded by Commissioner Phillips. Motion carried with all commissioners voting “yes”.
 - B. **April 6, 2021 Commission Meeting**
Commissioner LeCompte made a motion to approve the minutes as printed, seconded by Commissioner Jenó. Motion carried with all commissioners voting “yes”.
- VI. **Communication from Mayor Hollie Berry**
 - This month is Earth Month
 - Thanks Ms. Akins for her presentation at the work session regarding pollinator habitats
 - TNAW & Coalition will be hosting drug take back April 24 with various drop points
 - Blue Bird Trail Update: 12 boxes are built, plan to install May 7 or 8. Special thanks to Public Works, especially Greg Tate, for facilitating this so quickly, in time for nesting season
 - Recycling Survey is still live. Hamilton County will only accept plastics no.1 & 2 beginning May 1
 - Hamilton County is still offering the COVID vaccine to resident age 16 and up
 - The next Community Food Drive will be May 6 from 5-6 pm at the Red Bank United Methodist Church

VII. Commissioner's Reports

A. Vice Mayor Stefanie Dalton

- Glad to see everyone tonight
- Thanked everyone for their help
- L&E Wholesale had a great turn out for their Frontline Workers Market – thanks to firefighters from Station 2 for their participation – L&E Wholesale will be making a \$270 donation to the Red Bank Fire Department
- This Thursday is Earth Day – encourages all to get out and celebrate the day by visiting your local parks and/or picking up litter. For information on a petition to bring more access to parks to more people in more places, go to www.tpl.org/earth/month. Green Steps Chattanooga has a litter challenge. Encourages all to visit Green Design & Supplies at 2103 Dayton Blvd. Owner is Sam Young. His business offers eco-friendly building products.
- Local school update – Red Bank Middle School PTA will hold “The World’s 2nd Longest Yard Sale” this Saturday, April 24. Donations are still being accepted. They will also be selling facemasks, Rivermont Elementary School has added a new addition to their Inclusive Playground, Red Bank High School has started construction on their new weight room, and Red Bank Elementary has an outdoor workday scheduled for May 1. Volunteers are appreciated.

B. Commissioner Jenö

- Welcome everyone.
- Welcome to Patty Pope, former Vice Mayor Terry Pope’s wife.
- Thanks to Pastor Davenport for his presentation.
- Red Bank Seniors on the Go is back in session. Thanks to City Manager for facilitation of those meetings.
- Red Bank Baptist Church will have their last Farm to Table food delivery on Monday, April 26.
- Thanks to retiring City Manager Tim Thornbury for 35 years of dedicated service to our City.

C. Commissioner LeCompte

- Welcome to everyone here.
- Special welcome to Patty Pope.

D. Commissioner Phillips

- Thanked the Red Bank churches for food distribution programs benefiting the people of Red Bank
- The Rescue Truck recently purchased for the Fire Department is set up nicely
- Sidewalks on Ashland Terrace are coming along, hopefully completion of the paving portion will follow soon
- Thanked everyone for coming out, glad to see Ms. Pope

VIII. City Manager Report

- Welcomed everyone for coming.

X. PUBLIC HEARINGS

- 1) **Rezoning request for 8 Gaylord Street, Hamilton County Tax Map 117D Group D Parcel 5, from R-1A Residential to R-3 Residential** Applicant came forward to explain the purpose of the rezoning request. He and his wife purchased this duplex with intentions of using it as short term

rentals. He stated he has good relationships with his neighbors and have had no issues. He stated he was advised by the Planning Commission that the state would only allow for one side of the duplex to be used as short term rental but also did not realize that current zoning would not allow any short term rental use. He currently has a long term rental on one side of the duplex and another has signed a long term lease of less than a year for the other side. Commissioner Jeno presented information that the applicant has continued to operate a short term rental business in violation of current zoning. She also has received complaints from residents and is in possession of photos of a vehicle unlawfully parked in a citizen's yard. Believes this would be spot-zoning. Mayor Berry advised the City is due to revisit short term and long term rental policies overall. She also does not like the idea of spot-zoning. Commissioner LeCompte does not agree with spot-zoning. Commissioner Phillips is not okay with spot-zoning.

Chloe Brogan, 20 Gaylord Street, stepped forward to express concerns against this proposed rezoning. She doesn't not feel that vacationers will have the best interest of Red Bank in mind.

Rhonda Mahan, 3 Gaylord Street, stepped forward to express concerns against this proposed rezoning. She has seen the adults and children of the overnight renters at 8 Gaylord Street entering both sides of the duplex. The wooded area when you first turn on Gaylord Street has become a dumping spot.

Patricia Pope, 3305 Martin Road, stepped forward to express concerns against this proposed rezoning. It was her mother's driveway where the short terms rental vehicle was parked unlawfully. There were no further citizen comments. The applicant made some additional comments. The hearing was concluded.

XI. UNFINISHED BUSINESS

A) ORDINANCE NO. 21-1185 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, CONDITIONALLY AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO REZONE PROPERTY LOCATED AT 5309 Delashmitt Road FROM R-1 RESIDENTIAL TO R-T/Z TOWNHOME AND ZERO LOT LINE RESIDENTIAL PURSUANT TO CERTAIN RESTRICTIONS (second and final reading) City Manager Stulce made a few changes to the verbiage to eliminate some redundancies. Vice Mayor Dalton made a motion to approve the ordinance with the changes, seconded by Commissioner LeCompte. There was no discussion. There were no citizen comments. Roll Call Vote: Mayor Berry "yes," Vice Mayor Dalton "yes," Commissioner Jeno "yes," Commissioner Lecompte "yes" and Commissioner Phillips "yes." Ordinance No. 21-1185 was approved on second and final reading with all commissioners voting "yes."

B) ORDINANCE NO. 21-1186 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO REZONE PROPERTY LOCATED AT 303 AND 305 HEDGEWOOD DRIVE FROM R-1 RESIDENTIAL TO RT-1 RESIDENTIAL TOWNHOUSE PURSUANT TO CERTAIN RESTRICTIONS (second and final reading) City Manager Stulce made a few changes to the verbiage to eliminate some redundancies. Commissioner Jeno made a motion to approve the ordinances with the changes, seconded by Vice Mayor Dalton. There was no discussion. There were no citizen comments. Roll Call Vote: Mayor Berry "yes," Vice Mayor Dalton "yes," Commissioner Jeno "yes," Commissioner Lecompte "yes" and Commissioner Phillips "yes." Ordinance No. 21-1186 was approved on second and final reading with all commissioners voting "yes."

XII. NEW BUSINESS

A) ORDINANCE NO. 21-1187 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO CONDITIONALLY REZONE PROPERTY LOCATED AT 8 GAYLORD STREET FROM R-1A RESIDENTIAL TO R-3 RESIDENTIAL PURSUANT TO CERTAIN RESTRICTIONS (first reading) City Manager Thornbury explained that this item was discussed in the earlier Public Hearing. Commissioner Jeno made a motion to deny this rezoning ordinance, seconded by Commissioner Phillips. Roll Call Vote: Mayor Berry "yes," Vice Mayor Dalton "yes," Commissioner Jeno "yes," Commissioner Lecompte "yes" and Commissioner Phillips "yes." Ordinance No. 21-1187 to rezone property located at 8 Gaylord Street failed.

- B) ORDINANCE NO. 21-1188 AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE ESTABLISHING PROCESSES AND PROCEDURES WITH RESPECT TO THE SALE, DEVELOPMENT AND DISPOSITION OF REAL PROPERTY, CODIFIED IN THE RED BANK CITY CODE IN THE APPENDIX, CHAPTER F, THEREOF AND ASSIGNED THE TITLE: SALE, DEVELOPMENT AND DISPOSITION OF REAL PROPERTY (first reading)** City Manager Thornbury explained the intent on the Ordinance. Discussion ensued with respect to three (3) provisions being modified. Commissioner LeCompte made a motion to approve the ordinance with the three (3) discussed revisions, seconded by Mayor Hollie Berry. Roll Call Vote: Some discussion occurred. Mayor Berry "yes," Vice Mayor Dalton "yes," Commissioner Jenó "yes," Commissioner LeCompte "yes" and Commissioner Phillips "yes." Ordinance No. 21-1188 was approved on first reading with all commissioners voting "yes."
- C) RESOLUTION NO. 21-1401 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE AUTHORIZING AN AGREEMENT WITH JOHNSON, MURPHY AND WRIGHT FOR THE PERFORMANCE OF AN ANNUAL AUDIT BY OUTSIDE INDEPENDENT AUDITORS, IN THE AMOUNT OF \$37,600.00** City Manager explained the intent of the Resolution. Some discussion ensued. Vice Mayor Dalton made a motion to approve the resolution, seconded by Commissioner Jenó. There was no further discussion. There were no citizen comments. Resolution No. 21-1401 was approved with all commissioners voting "yes."
- D) RESOLUTION NO. 21-1402 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE APPOINTING FINANCE DIRECTOR JOHN ALEXANDER AS THE LOCAL ADMINISTRATOR FOR LOCAL GOVERNMENT CORPORATION NEXTGEN FINANCIAL ACCOUNTING SOFTWARE** City Manager Thornbury explained that former City Recorder, Ruthie Rohen was the administrator. He is appointing Finance Director, John Alexander, to this role. Commissioner Jenó made a motion to approve the resolution, seconded by Commissioner LeCompte. There was no discussion. There were no citizen comments. Resolution No. 21-1402 was approved with all commissioners voting "yes."
- E) RESOLUTION NO. 21-1403 A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND EPB FIBER OPTICS FOR HOSTED HIGH-SPEED INTERNET AND WI-FI CONNECTION SERVICES AT THE JOSEPH GLASSCOCK COMMUNITY CENTER** City Manager Thornbury explained the intent of the Resolution. Commissioner Jenó made a motion to approve the resolution, seconded by Vice Mayor Dalton. Some discussion ensued. There were no citizen comments. Resolution No. 21-1403 was approved with all commissioners voting "yes."

XIII. Citizen Comments from Red Bank Citizens

No citizen comments.

XIV. Adjournment

Motion to adjourn was made by Commissioner Jenó, seconded by Commissioner Ed LeCompte. Motion carried with all commissioner voting "yes." The meeting was adjourned at 7:16 p.m.

Mayor Hollie Berry

(Date)

City Recorder Tracey Perry

(Date)

ORDINANCE: 21-1188

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE ESTABLISHING PROCESSES AND PROCEDURES WITH RESPECT TO THE SALE, DEVELOPMENT AND DISPOSITION OF REAL PROPERTY, CODIFIED IN THE RED BANK CITY CODE IN THE APPENDIX, CHAPTER F, THEREOF AND ASSIGNED THE TITLE: SALE, DEVELOPMENT AND DISPOSITION OF REAL PROPERTY.

WHEREAS, the City Charter provides that the City has the right, power and authority to acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein, within or without the City or State; and

WHEREAS, the enumeration of such powers by Charter are not exclusive or restrictive of said general powers and authority but are to be construed liberally to effectuate the general purposes thereof and for the use and benefit of the Citizens of the City of Red Bank, Tennessee; and

WHEREAS, which powers are to be exercised by the City Commission, acting in conjunction with the City Manager and with the assistance, from time to time, of its various boards and agencies however denominated and as the City Commission shall determine; and

WHEREAS, the City Commission has determined that it is appropriate to establish a set of policies, of and with respect to the future acquisition, and present and future ownership, maintenance, improvement, sale, leasing, mortgaging, pledging and/or other disposition of real property, whether now owned or hereafter acquired by the City of Red Bank and to aid in the planning, management, and realization of value from its properties and whether in the context of disposition or sale of properties deemed and determined to have likely outlived their usefulness to the City and to the Citizens and/or as to which properties have ceased to serve a useful purpose, whether presently or in the foreseeable future, which properties shall be categorized as “surplus real property”; and

WHEREAS, the City Commission has determined that as to properties owned or acquired for general or specific purposes and/or intended, whether by design or plan in acquisition or as a consequence as the passage of time and/or the occurrences of other surrounding circumstances or events may be deemed appropriate for future use, for conversion to liquid funds at fair market value and/or for some other purpose(s) to benefit the public health, safety and welfare, and whether now or in the future and as to which such may or shall be intended to enhance the livability of the City and betterment of the Citizens of the City of Red Bank, and/or the public good, the City may sell, transfer and convey, for fair market value and/or may retain and/or dispose of such properties for development, to subdivide any and/or all such property/properties for such prices, upon such terms, and subject to such conditions, restrictions and requirements as the City Commission shall determine as are fair, just, appropriate, required, to and for the best interest of the City and, and the enhancement of the public welfare, now or in the future.

NOW, THEREFORE, be it ordained by the City of Red Bank, Tennessee that the sale development or other disposition of real property acquired by or belonging to the City shall be subject to the following set of guidelines, the same to be codified in the Red Bank City Code in the Appendix Section as APP-F-1:

SECTION 1. The City Commission shall have sole and exclusive authority, for the City, with respect to the sale or disposition of real property owned by the City and whether denominated “surplus real property” and/or as “City property for public use, sale or development,” and/or for any other categorization of real property owned by the City.

SECTION 2. Upon a declaration by the City Commission that real property has outlived its usefulness or that the same is unlikely to be found to be useful or beneficial for any reasonably ascertainable municipal purpose now, or in the foreseeable future, the City may declare such as “surplus real property” and upon such determination, may, but shall not be required to incorporate preliminary plans for sale or other disposition and, the matter shall be referred to the Red Bank Planning Commission for review and for its recommendation(s) as to same.

The Planning Commission may consider such matter pursuant to its lawful written policies and procedures as it determines is appropriate and under the circumstances then existent; provided, failure of the Red Bank Planning Commission to return to the Red Bank City Commission a recommendation within sixty (60) days of the date of referral shall be deemed an approval of the recommendation and reference by the City Commission.

SECTION 3. Real property owned or acquired or held by the City for general or specific purposes and intended, whether by design or plan and acquisition or as a consequence of the passage of time or the occurrence of other circumstances or events, and which the City Commission may deem or declare to be appropriate for future use, or for conversion to liquid funds at fair market value or for some other purpose(s) to benefit the public welfare, now or in the future, and/or to enhance the livability of the City and the public good may be sold, transferred, conveyed for fair market value, retained and developed as the City Commission shall determine as is appropriate, and/or may be subdivided and/or sold or partially subdivided or sold for such prices and upon such terms and subject to such conditions precedent and such conditions subsequent and/or restrictions and conditions as the City Commission shall determine are fair, just, appropriate, required, beneficial and/or necessary for the best interests of the City and its Citizens and for the enhancement of the public welfare. Such property/properties shall be deemed “City Property for public use, sale or development.”

(A) Upon determination by the City Commission, whether or not initiated by City administration and/or one or more of the members of the City Commission, acting by majority vote, such property may be determined to be appropriate for sale in whole or in part, either to realize the fair market value thereof and/or to further some desirable development or redevelopment and/or public recreational purpose, intended or resulting in a calculated benefit to the health, safety, and welfare of the Citizens of the City of Red Bank, Tennessee. The City Commission, according to such processes as it shall from time to time determine, shall propose its specific and/or general plans and/or public benefit objectives in a plan for such sale, disposition, development, redevelopment, sale subject to conditions, restrictions, covenants and requirements and, in such circumstance(s).

(B) upon such determination and the preparation of a plan or RFP or statement of other dispositional intent as to any such City property for public use, sale or development, the matter shall be referred to the Red Bank Planning Commission for its review and recommendation, including without limitation, specific recommendations as to development criteria, legal restrictions, and requirements and conditions for further development and such other matters and considerations as the Red Bank Planning Commission is authorized to include in its recommendations; provided, failure of the Red Bank Planning Commission to return to the Red Bank City Commission a recommendation as to the City Commission within sixty (60) days of the day of referral shall be deemed an approval of the recommendation and reference by the City Commission.

(1) Upon receipt (within the sixty (60) day time period above referenced) of the recommendation(s) of the Red Bank Planning Commission, the City, acting by and through the City Manager and/or as otherwise authorized or determined, may proceed to formulate its specific and/or general (a) offer/listing agreement/advertisement/sale documents which may include but not necessarily limited to broker represented sales and/or public auctions and may thereafter proceed with such sale(s) with the final terms of approval of any such offer, contract, proposal being subject to the approval/disapproval of the City Commission in an advertised open meeting and with such topic on the agenda, provided however at least one public hearing shall be held by the Red Bank City Commission prior to finalizing or proceeding with the documentation or distribution of any such RFP or other plan of disposition, sale, or development. Nothing set out herein shall prohibit such additional public hearings and/or public input as the City Commission shall determine is appropriate from time to time and with respect to any particular property or plan/concept/RFP then under consideration.

(2) in the context of a Request for Proposal (RFP), having been recommended to the Red Bank Planning Commission as above provided in Section II or Section III, upon receipt (within the sixty (60) day time period above referenced) of the recommendation(s) of the Red Bank Planning Commission, the City, acting by and through the City Manager and subject to the approval of the City Commission, may proceed to formulate its specific and/or general RFP and to further solicit proposals for development within the parameters as previously prepared by the City Manager and approved by the City Commission, and which shall include time periods for response, which responses "Proposals" shall be, once received, circulated by the City Manager within fifteen (15) days of receipt to (i) the City Commission and (ii) to the Red Bank Planning Commission and thereafter within fifteen (15) days to be posted on the City's website.

(C) The City Manager and/or the City Commission may request/suggest modifications of the submittals of the various respondents, which responses, upon passage of the City Manager determined "time for responses" opportunity, shall be shared with the City Commission and the Red Bank Planning Commission within fifteen (15) days of receipt by the City Manager, together with such evaluation, analysis and/or recommendation(s) as the City Manager shall determine to provide. The Red Bank Planning Commission shall have thirty (30) calendar days from the date of referral to make its further recommendation, if any.

(D) The City Commission shall, upon completion of the above referenced process(es) either (i) accept or reject such proposal(s) for restricted and/or non-restricted

development, sale disposition as proposed by the City Manager, (ii) authorize a Contract for Sale of the real property, either without or subject to such development restrictions, conditions, requirements and/or plans as the City Commission shall theretofore have determined and approved, (iii) issue such directives to the City Manager for further interaction and/or negotiation with the prospective purchaser, offeror, Proposer as the City Commission shall deem appropriate under all the circumstances then or there existing, and/or (iv) make such other determinations, requirements or directives as the City Commission shall then determine which may include a determination to withdraw such property from consideration for sale, development or other disposition.

SECTION 4. Every section, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase hereof.

SECTION 5. This Ordinance shall take effect from and after the date of its final passage the health, safety and welfare of the Citizens of the City of Red Bank requiring it.

Mayor (date)

ATTEST:

City Recorder (date)

April 20, 2021
Approved on First Reading

Approved on Second and Final Reading

Approved as to form:

City Attorney

ORDINANCE NO. 21-1189

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE FY 2021 OPERATING BUDGET, BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021 IN ORDER TO APPROPRIATE UNBUDGETED EXPENDITURES AND GRANT FUNDING

WHEREAS, the City of Red Bank approved Ordinance No. 20-1170, the Fiscal Year 2021 appropriations ordinance, on June 16, 2020 ; and

WHEREAS, the City of Red Bank has experienced unplanned situations which required various unbudgeted expenditures in Fiscal Year 2021; and

WHEREAS, it is necessary for the City of Red Bank to request Commission approval to amend the FY 2021 Operating Budget for items which have exceeded budgeted appropriations, were not anticipated, or are carry-over items from the previous fiscal year; and

WHEREAS, the City of Red Bank had several other revenue sources to offset these encumbrances, including grant and donation funding from various sources; and

NOW, THEREFORE, BE IT ORDAINED, by the Commission of the City of Red Bank, Tennessee as follows:

SECTION 1: that the Fiscal Year 2021 Operating Budget be and is hereby amended as provided:

GENERAL FUND
REVENUES

Grant Revenue	\$111,238.00
Fund Balance	\$874,448.00

TOTAL REVENUES	<u>\$ 985,686.00</u>
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EXPENDITURES

Public Works	
Fair St. ROW-1/2	\$207,409.00
- <i>Wiser Engineering</i>	\$42,499.00
Laurel Drive-Bridge	\$150,000.00
Valley View Ave.-Bridge	\$120,000.00
- <i>Wiser Engineering</i>	\$9,340.00

Legislative	
3113 Dayton Blvd Purchase	\$399,538.00

Administration	
Vacation Payout	\$33,900.00

Police Department	
<i>Norfolk Charitable Grant</i>	\$5,000.00
<i>HIDTA Grant</i>	\$18,000.00

TOTAL EXPENDITURES	<u>\$ 985,686.00</u>
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STATE STREET AID
REVENUES

Grant Revenue	\$276,595.00
Fund Balance	\$97,860.00
TOTAL REVENUES	<u>\$ 374,455.00</u>

EXPENDITURES

<i>TIP Paving PIN 121881</i>	\$26,177.00
<i>TIP Sidewalks PIN 116152</i>	\$162,180.00
Emergency Repair-Fair St. ROW-1/2	\$186,098.00
TOTAL EXPENDITURES	<u>\$ 374,455.00</u>

SECTION 2. This Ordinance shall take effect upon the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.

ATTEST:

Mayor Hollie Berry (DATE)

City Recorder Tracey Perry (DATE)

Passed on First Reading

Passed on Second and Final Reading

Approved as to Form:

City Attorney (DATE)

RESOLUTION NO. 21-1404

A RESOLUTION DECLARING CITY OWNED PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE SALE, TRADE OR DESTRUCTION THEREOF

WHEREAS, the City of Red Bank is the owner of certain City owned personal property (Attached hereto as Exhibit A) which is no longer needed for public use; and

WHEREAS, the City of Red Bank recommends declaring the personal property as surplus and desires to sell the said personal property at public auction, trade the personal property for useful items or destroy the personal property which cannot be sold or traded for various reasons.

NOW, THEREFORE BE IT RESOLVED by the Commission of the City of Red Bank, Tennessee that the attached property (Exhibit A) be declared surplus property and sold at public auction, traded or destroyed pursuant to the following:

- (1) The sale of the surplus personal property shall be conducted through GovDeals, in accordance with the current contract, dated August 31, 2010;
- (2) The sale will be conducted online and the address of the auction site is www.govdeals.com;
- (3) A list of the surplus personal property is provided on Exhibit A, which is made a part of this resolution;
- (4) The surplus personal property as identified shall be sold in an “as is” condition without express or implied warranties to the successful bidder;
- (5) All firearms shall be disposed of pursuant to TCA 39-17-1317;
- (6) The City Manager is authorized to set minimum bids, set reserves below which bids will be rejected, set bidding increments, group items for sale by lots, and the right to accept or reject any bids submitted;
- (7) The City Manager or his agent is authorized to destroy any of the personal property specified on Exhibit A that is deemed unsellable for security or other purposes.

Resolved this 4th day of May 2021.

Mayor Hollie Berry (DATE)

City Recorder Tracey Perry (DATE)

RED BANK POLICE DEPARTMENT
PISTOL INVENTORY

	Make	Model	Caliber	Serial #
1	Glock	22	40	VMF439
2	Glock	22	40	VMF440
3	Glock	22	40	VMF441
4	Glock	22	40	VMF442
5	Glock	22	40	VMF443
6	Glock	22	40	VMF444
7	Glock	22	40	VMF445
8	Glock	22	40	VMF446
9	Glock	22	40	VMF447
10	Glock	22	40	VMF448
11	Glock	22	40	VMF449
12	Glock	22	40	VMF450
13	Glock	22	40	VMF451
14	Glock	22	40	VMF452
15	Glock	22	40	VMF454
16	Glock	22	40	VMF455
17	Glock	22	40	VMF456
18	Glock	22	40	VMF457
19	Glock	22	40	VMF458
20	Glock	22	40	VMF459
21	Glock	22	40	VMF460
22	Glock	22	40	BCDS696
23	Glock	22	40	BCDS697
24	Glock	22 Gen3	40	(FNL470) G126060
25	Glock	23	40	VSS600
26	Glock	23	40	TLZ555
27	Glock	23	40	TLZ556
28	Glock	23	40	TLZ557
29	Glock	22	40	YRV832
30	Glock	22	40	YRV833
31	Glock	22	40	YRV834
32	Glock	22	40	YRV835
33	Glock	22	40	VMF453
34	Glock	22	40	ZYS470
35	Glock	22 Gen 3	40	HKV557

RESOLUTION NO. 21-1405

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATE OF COMPLIANCE FOR LOCAL SLICE, LLC dba PIZZERIA CORTILE, 4400 DAYTON BOULEVARD, RED BANK, TENNESSEE

WHEREAS, Justin Bennett has made application for a Certificate of Compliance to sell on-premise alcoholic beverages in the City of Red Bank, Tennessee, at 4400 Dayton Boulevard, Local Slice, LLC dba Pizzeria Cortile; and

WHEREAS, an investigation has been undertaken of the applicant's criminal record and of the compliance of said business with local laws, ordinances, and resolutions; and

WHEREAS, the Certificate of Compliance verifies to the State of Tennessee, and the Red Bank Police Department upon investigation substantiates, the following conditions:

(1) That the applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application; and

(2) That the applicant or applicants have secured a location for the business which complies with all restrictions of any local law, ordinance, or resolution, duly adopted by the local jurisdiction, as to the location of the business; and

(3) That the applicant or applicants have complied with any local law, ordinance or resolution duly adopted by the local authorities regulating the number of retail licenses to be issued within the jurisdiction.

(4) That the applicant or applicants have complied with the residency provisions.

NOW, THEREFORE BE IT RESOLVED by the Commission of the City of Red Bank, Tennessee that the Mayor is authorized to sign the Certificate of Compliance for Local Slice, LLC dba Pizzeria Cortile, 4400 Dayton Boulevard, Red Bank, Tennessee.

Resolved this 4TH day of May, 2021.

Mayor Hollie Berry

City Recorder Tracey Perry